

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO.3399 OF 2005
IN
APPEAL NO.991 OF 2005
IN
SUMMONS FOR JUDGMENT NO.382 OF 2004
IN
SUMMARY SUIT NO.2183 OF 2003

Banarasi Lal Madan
v/s.
SKF Bearings India Ltd.

.. Appellant

.. Respondent

Mr.H.J.Thakkar, Senior Counsel i/by Mr.Manoj Bhatt for the
appellant.

Mr.Berjis Coolabawala with Mr.Cyrus Ardeshir i/by M/s.Madekar &
Co. for the respondent.

CORAM : R.M.LODHA AND
ANOOP V. MOHTA, JJ.

DATED : 23RD JANUARY, 2006

P.C.

Heard.

2. Taking overall facts and circumstances of the case, we are of
the view that the appellant should at least deposit the amount under
the two cheques that got dishonoured. Cheque bearing No.119847
dated 15th October, 2000 in the sum of Rs.23,64,388.04 and the
cheque bearing No.120009 dated 30th November, 2000 in the sum
of Rs.25,08,862.51 were dishonoured vide letter memo dated 1st
February, 2001.

3. We are informed by the learned senior counsel for the appellant that a sum of Rs.10,00,000/- has already been deposited. The remaining amount of Rs.38,073,250.55 shall be deposited by the appellant in the following manner:-

- i) Rs.15.00,000/- on/or before 28th February, 2006;
- ii) Rs.23,73,250.55 ps. by 30th June, 2006.

Subject to the deposit of the sum as aforesaid by the appellant, the operation of the impugned order shall remain stayed.

(R.M.LODHA, J.)

(ANOOP V. MOHTA, J.)